

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DERRICK M. ALLEN, SR.,)	
)	
Plaintiff,)	
)	
v.)	1:20CV1159
)	
SHERIFF CLARENCE F. BIRKHEAD,)	
et al.,)	
)	
Defendants.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on July 21, 2021, was served on the parties in this action. (Docs. 4, 5.) Plaintiff objected to the Recommendation. (Doc. 6.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is DISMISSED WITHOUT PREJUDICE to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects of the present Complaint.

A Judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder
United States District Judge

August 11, 2021